



Legislation Details (With Text)

File #: Res 1866-2009 **Version:** * **Name:** LU 1005 - Zoning Reso., Toll Brooklyn, L.P., Brooklyn (N090049ZRK)
Type: Resolution **Status:** Adopted
In control: Committee on Land Use

On agenda: 3/11/2009

Enactment date: **Enactment #:**

Title: Resolution approving the decision of the City Planning Commission on Application No. N 090049 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Section 3 (Special Mixed Use Districts) and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6, Borough of Brooklyn (L.U. No. 1005).

Sponsors: Melinda R. Katz

Indexes:

Attachments: 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 3/11/09

Date	Ver.	Action By	Action	Result
3/9/2009	*	Committee on Land Use	Approved by Committee	
3/11/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1866

Resolution approving the decision of the City Planning Commission on Application No. N 090049 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Section 3 (Special Mixed Use Districts) and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6, Borough of Brooklyn (L.U. No. 1005).

By Council Member Katz

WHEREAS, the City Planning Commission filed with the Council on February 17, 2009 its decision dated February 17, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Toll Brooklyn, L.P., for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Section 3 (Special Mixed Use Districts) and Article II, Section 3 (Bulk Regulations for Residential Buildings in Residence Districts) in Community District 6, Application No. N 090049 ZRK, Community District 6, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications Numbers C 090047 ZMK (L.U. No. 1003), an amendment to the Zoning Map; and C 090048 ZSK (Preconsidered L.U. No. 1024), a special permit pursuant to Section 74-743(a)(2) for bulk modification;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 4, 2009;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 6, 2009 (CEQR No. 08DCP033K):

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable
- (2) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE II - RESIDENCE DISTRICTS

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of

such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(i) In Community District 6, in the Borough of Brooklyn, in the R7-2 District within the areas shown on the following Map 14:



Map 14. Portion of Community District 6, Brooklyn

* * *

23-942**In Inclusionary Housing designated areas**

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7*	2.7	3.6
R7**	3.45	4.6
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(b) Height and setback

(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #Special Mixed Use Districts#, ~~where the #residence district# designation has a letter suffix~~, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, Where the #residence district# designation is an R6 District without does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

ARTICLE XII - SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use District

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

However, in #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Special Mixed Use District	Designated Residence District
MX 8-Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11-Community District 6, Brooklyn	<u>R7-2</u>

* * *

123-90

Special Mixed Use Districts Specified

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97) Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

* * *

#Special Mixed Use District# - 11: (effective date) Gowanus, Brooklyn

The #Special Mixed Use District# -11 is established in Gowanus, in Brooklyn as indicated on the #zoning maps#.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on March 11, 2009, on file in this office.

.....
City Clerk, Clerk of The Council